

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 3933 of 2006(R)

PETITIONER:

**DHINU CHANDRAN, CHANDRANIVAS,
ANCHALUMMOOD, PERINAD P.O. KOLLAM.**

**BY ADV. SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.**

RESPONDENTS:

- 1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVNANTHAPURAM.**
- 2. THE DIRECTOR OF VOCATIONAL HIGHER
SECONDARY EDUCATION, THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.C.SASIDHARAN. SC, K.P.S.C.
G.P.SMT.M.R.SREELATHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PETITIONER'S EXHIBITS

- | | |
|---------------|---|
| EXT.P1 | TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE GAZETTEE. |
| EXT.P2 | TRUE COPY OF THE DEGREE CERTIFICATE ISSUED BY THE BANGALORE UNIVERSITY. |
| EXT.P3 | TRUE COPY OF THE MARK LIST ISSUED BY THE BANGALORE UNIVERSITY. |
| EXT.P4 | TRUE COPY OF THE CERTIFICATE ISSUED BY THE M.G. UNIVERSITY. |
| EXT.P5 | TRUE COPY OF THE MEMO ISSUED BY THE P.S.C. |
| EXT.P6 | TRUE COPY OF THE RANKED LIST FOR APPOINTMENT TO THE POST OF VOCATIONAL TEACHER IN PRINTING TECHNOLOGY. |
| EXT.P7 | TRUE COPY OF THE REPRESIDENTATION FILED BY THE PETITIONER. |
| EXT.P8 | TRUE COPY OF THE ORDER NO.E1/8966/2005. ISSUED BY R2. |

/True Copy/

PA to Judge

K.M.JOSEPH, J.

W.P.(C).No. 3933 OF 2006

Dated this the 28th day of November,2006.

JUDGMENT

Ext.P1 is the notification issued by the Kerala Public Service Commission for appointment by direct recruitment to 18 vacancies of Vocational Teacher in Printing Technology. The qualification prescribed is as follows:

“Degree in Printing Technology with not less than 60% marks from any of the Universities in Kerala or an equivalent qualification.”

2. According to the petitioner none of the Universities in Kerala is awarding either B.Sc. Degree in Printing Technology or B.Tech Degree in Printing Technology and thus nobody obtained Degree from the Universities in Kerala. Therefore, according to the petitioner, only candidates from other Universities were available. Petitioner obtained in B.Tech Degree in Printing Technology from Bangalore University. Ext.P2 is the Degree Certificate and Ext.P3 is the mark list. Ext.P4 shows that M.G.University has recognised Ext.P2 degree certificate. According to petitioner considering the petitioner's application and on the basis of Exts.P2 to P4, by Ext.P5 memo petitioner was

called for interview. It is the case of the petitioner that in Ext.P6 rank list he was included, but the result was kept pending. Ext.P8 is produced to show that in fact she was appointed as Vocational Teacher in Printing Technology by the second respondent. Petitioner relies on the decision reported in **Retnabai v. State of Kerala** (1988 (1) KLT 135).

3. Counter affidavit is filed by the P.S.C., to which reply is also filed. The contention taken by the P.S.C. is that petitioner has not secured 60% of marks and he has in fact secured only 58.92% for the whole examination leading to 1 to 8 semesters. It is stated that even though he was asked to produce the equivalency certificate, he has not produced the equivalency certificate.

4. The contention of the petitioner is that in Universities outside Kerala, the marks that is taken into account for considering the question of percentage of marks and class is in the 7th and 8th semesters. Petitioner has secured more than 60% for 7th and 8th semesters and he has also secured first class, he submits. As far as the equivalency certificate is concerned, none of the Universities in Kerala are conducting Degree course in Printing Technology and certificate may not be available, he submits. He also relied on Ext.P8. Ext.P8 would show that he was

appointed and his qualifications were accepted. Per contra, it is contended by the P.S.C. that requirement of 60% cannot be said to be satisfied as petitioner has secured only 58.92% in the examination in all the semesters. But he is claiming the same only on the strength of the results in two semesters. P.S.C. has adopted a uniform policy in order to avoid indiscrimination, it is submitted. It is also contended that Ext.P4 cannot be treated as equivalency certificate.

5. I see merit in the objection of the P.S.C. Admittedly petitioner does not possess a Degree in Printing Technology awarded by any of University in Kerala. No doubt, he possess Ext.P2 degree awarded by the Bangalore University. But there is no certificate produced by the petitioner showing that the said Degree is equivalent. No doubt, it may be for the reason that non of the Universities in Kerala are conducting courses in Printing Technology. But this court is concerned with the action of the P.S.C. The action of the P.S.C. is to be judged on the basis of the special rules which undoubtedly laid down the qualification. If one strictly goes by the qualifications, there cannot be any doubt that petitioner has made out any case for interference. It is also to be noted that I cannot brush aside the stand of the P.S.C. that for candidate to be treated as having obtained first class, he

should obtain 60% marks in all the semesters as a unreasonable or illegal stand.

In such circumstances, even though it may be true that several vacancies remain unfilled, petitioner cannot seek any assistance from this court against the P.S.C. Therefore, writ petition fails and it is dismissed.

**K.M.JOSEPH.
JUDGE.**

SV.

